UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,964	11/14/2003	Jeremy Bem	Google-61APP (GP-151-01-U	3187

				EXAMINER
26479	7590	12/04/2006		GORTAYO, DANGELINO N

STRAUB & POKOTYLO .
620 TINTON AVENUE
. BLDG. B, 2ND FLOOR
TINTON FALLS, NJ 07724

ART UNIT	PAPER NUMBER
2168	

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	10/713,964	BEM, JEREMY
Office Action Summary	Examiner	Art Unit	
	Dangelino N. Gortayo	2168	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>4</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 September 2006</u>.

2a)☒ This action is FINAL.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-42</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-42</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>14 November 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10/13/2006</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   In the amendment filed on 9/8/2006, claims 1-22, 25, and 29 have been

amended. The currently pending claims considered below are Claims 1-42.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-9, 11, 13, 15-16, 18, 20, 22-30, 32, 34, 36-37, 39, 41 are rejected under

35 U.S.C. 102(e) as being anticipated by Weissman et al. (US Patent 6,816,857 B1)

   As per claim 1, Weissman teaches "a) accepting search query information

including a word;" (Figures 3, 6-8, and column 13 lines 35-65, wherein a user enters a

search term)

"b) determining one or more words related to the word included in the accepted

search query;" (Figures 3, 6-8, and column 13 lines 35-65, wherein the subspace in the

semantic space that encompasses the search term is determined for the search term)

"c) generating an item request including i) the word included in the accepted

search query," (Figures 3, 6-8 and column 13 lines 35-65, wherein the search term is

used to request an ad) "and ii) the one or more words determined to be related to the

word included in the accepted search query;" (Figures 3, 6-8, and column 13 lines 35-

65)

"d) retrieving items using the item request;" (Figures 3, 6-8, and column 13 lines

35-65, wherein ads found from the search term are retrieved)

"e) applying each of the retrieved items to a performance threshold to generate a

set of filtered items, wherein the performance of any items retrieved on the basis of the

one or more words determined to be related to the word included in the accepted

search query is applied to a higher performance threshold than the performance

threshold used for any items retrieved on the basis of the word included in the accepted

search query." (column 8 lines 8-46 and column 9 lines 8-67, wherein each of the items

are analyzed and given scores, with scores based on its relationship to the search term)

"f) sending at least some of the filtered items towards a client device for

rendering" (column 10 lines 42-54, wherein node results are shown to the user)

As per claim 2, <u>Weissman</u> teaches "the act of applying each of the retrieved

items to a performance threshold includes adjusting the performance threshold for any

items retrieved on the basis of the one or more words determined to be related to the

word included in the accepted search query." (column 9 lines 18-31)

As per claim 3, Weissman teaches "the act of adjusting the performance

threshold includes multiplying a first performance threshold by a multiplier that is greater

than one." (column 9 lines 43-56)

As per claim 4, Weissman teaches "g) updating the multiplier using performance

information." (column 9 lines 43-56)

As per claim 5, Weissman teaches "the items are ads." (column 12 line 64 –

column 13 line 9)

As per claim 6, Weissman teaches "the performance information includes ad

selection information." (column 13 lines 10-65)

As per claim 7, Weissman teaches "the performance information includes ad

conversion information." (column 13 lines 10-65)

As per claim 8, Weissman teaches "a) accepting search query information;"

(Figures 3, 6-8, and column 13 lines 35-65, wherein the subspace in the semantic

space that encompasses the search term is determined for the search term)

"b) determining relevant items using the search query information and item

targeting information, wherein the act of determining each relevant item includes

associating the items with a confidence measure;" (Figures 3, 6-8, and column 13 lines

35-65, wherein the subspace in the semantic space that encompasses the search term

is determined for the search term)

"c) applying each of the relevant items to a performance threshold to generate a

set of filtered items, wherein for a given item, the performance threshold is a function of

the confidence measure associated with the determination of relevance of the item."

(Figures 3, 6-8, column 8 lines 8-46, column 9 lines 8-67 and column 13 lines 35-65,

wherein the search term is used to request an ad, wherein each of the items are

analyzed and given scores, with scores based on its relationship to the search term)

"d) sending at least some of the filtered items towards a client device for

rendering" (column 10 lines 42-54, wherein node results are shown to the user)

As per claim 9, Weissman teaches "the performance threshold increases as the

confidence measure decreases." (column 9 lines 18-31)

As per claims 11, Weissman teaches "the item is an ad and wherein the

performance threshold is an ad selection rate threshold value." (column 12 line 64 -

column 13 line 65)

As per claim 13, Weissman teaches "the item is an ad and wherein the

performance threshold is an ad conversion rate threshold value." (column 12 line 64 -

column 13 line 65)

As per claim 15, Weissman teaches "the act of determining relevant items uses

the search query information, item targeting information, and at least one match

function, and wherein the confidence measure is determined based on the at least one

match function used in the act of determining relevant items." (Figures 3, 6-8, column 8

and column 13 lines 35-65)

As per claim 16, <u>Weissman</u> teaches "the performance threshold increases as the confidence measure decreases." (column 9 lines 18-31)

As per claim 18, <u>Weissman</u> teaches "the item is an ad and wherein the performance threshold is an ad selection rate threshold value." (column 12 line 64 - column 13 line 65)

As per claim 20, <u>Weissman</u> teaches "the item is an ad and wherein the performance threshold is an ad conversion rate threshold value." (column 12 line 64 - column 13 line 65)

As per claim 22, <u>Weissman</u> teaches ") an input for accepting search query information including a word;" (Figures 3, 6-8, and column 13 lines 35-65, wherein a user enters a search term)

"b) means for determining one or more words related to the word included in the accepted search query;" (Figures 3, 6-8, and column 13 lines 35-65, wherein the subspace in the semantic space that encompasses the search term is determined for the search term)

"c) means for generating an item request including i) the word included in the accepted search query," (Figures 3, 6-8 and column 13 lines 35-65, wherein the search term is used to request an ad)

"and ii) the one or more words determined to be related to the word included in the accepted search query;" (Figures 3, 6-8, and column 13 lines 35-65)

"d) means for retrieving items using the item request;" (Figures 3, 6-8, and column 13 lines 35-65, wherein ads found from the search term are retrieved)

"e) means for applying each of the retrieved items to a performance threshold to generate a set of filtered items, wherein the performance of any items retrieved on the basis of the one or more words determined to be related to the word included in the accepted search query is applied to a higher performance threshold than the performance threshold used for any items retrieved on the basis of the word included in the accepted search query." (column 8 lines 8-46 and column 9 lines 8-67, wherein each of the items are analyzed and given scores, with scores based on its relationship to the search term)

"f) means for sending at least some of the filtered items towards a client device for rendering" (column 10 lines 42-54, wherein node results are shown to the user)

As per claim 23, <u>Weissman</u> teaches "the means for applying each of the retrieved items to a performance threshold include means for adjusting the performance threshold for any items retrieved on the basis of the one or more words determined to be related to the word included in the accepted search query." (column 9 lines 18-31)

As per claim 24, <u>Weissman</u> teaches "the means for adjusting the performance threshold include means for multiplying a first performance threshold by a multiplier that is greater than one." (column 9 lines 43-56)

As per claim 25, <u>Weissman</u> teaches "g) means for updating the multiplier using performance information." (column 9 lines 43-56)

As per claim 26, <u>Weissman</u> teaches "the items are ads." (column 12 line 64 –

column 13 line 9)

As per claim 27, <u>Weissman</u> teaches "the performance information includes ad

selection information." (column 13 lines 10-65)

As per claim 28, <u>Weissman</u> teaches "the performance information includes ad

conversion information." (column 13 lines 10-65)

As per claim 29, <u>Weissman</u> teaches "a) an input for accepting search query

information;" (Figures 3, 6-8, and column 13 lines 35-65, wherein the subspace in the

semantic space that encompasses the search term is determined for the search term)

"b) means for determining relevant items using the search query information and

item targeting information and for associating the items with a confidence measure;"

(Figures 3, 6-8, and column 13 lines 35-65, wherein the subspace in the semantic

space that encompasses the search term is determined for the search term)

"c) means for applying each of the relevant items to a performance threshold to

generate a set of filtered items, wherein for a given item, the performance threshold is a

function of the confidence measure associated with the determination of relevance of

the item." (Figures 3, 6-8, column 8 lines 8-46, column 9 lines 8-67 and column 13 lines

35-65, wherein the search term is used to request an ad, wherein each of the items are

analyzed and given scores, with scores based on its relationship to the search term)

"d) means for sending at least some of the filtered items towards a client device

for rendering" (column 10 lines 42-54, wherein node results are shown to the user)

As per claim 30, <u>Weissman</u> teaches "the performance threshold increases as the confidence measure decreases." (column 9 lines 18-31)

As per claim 32, <u>Weissman</u> teaches "the item is an ad and wherein the performance threshold is an ad selection rate threshold value." (column 12 line 64 - column 13 line 65)

As per claim 34, <u>Weissman</u> teaches "the item is an ad and wherein the performance threshold is an ad conversion rate threshold value." (column 12 line 64 - column 13 line 65)

As per claim 36, <u>Weissman</u> teaches "the means for determining relevant items use the search query information, item targeting information, and at least one match function, and wherein the confidence measure is determined based on the at least one match function used by the means for determining relevant items." (Figures 3, 6-8, column 8 and column 13 lines 35-65)

As per claim 37, <u>Weissman</u> teaches "the performance threshold increases as the confidence measure decreases." (column 9 lines 18-31)

As per claim 39, <u>Weissman</u> teaches "the item is an ad and wherein the performance threshold is an ad selection rate threshold value." (column 12 line 64 - column 13 line 65)

As per claim 41, <u>Weissman</u> teaches "the item is an ad and wherein the performance threshold is an ad conversion rate threshold value." (column 12 line 64 - column 13 line 65)

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 10, 12, 14, 17, 19, 21, 31, 33, 35, 38, 40, 42 rejected under 35 U.S.C.

103(a) as being unpatentable over Weissman et al. (US Patent 6,816,857 B1).

As per claim 10 and 31, Weissman teaches the method of claims 8 and 29 but

do not explicitly disclose wherein the performance threshold decreases as the

confidence measure increases. Weissman et al. teaches ranking the results and

ordering based on relevance, wherein the score can be increased as the distance

between the semantic terms decreases. (column 9 lines 18-31 and column 13 lines 10-

34). The instant limitation of decreasing the performance threshold is seen as a design

decision which is given little, if any, patentable weight. It would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify the method

taught by Weissman to include the step of decreasing the score that is based on the

relevance to the initial search term. The motivation for doing so would be to allow for the

modification of the step to include a way for the semantic score to be decreased to

return more relevant banner ads.

As per claims 12, and 33 <u>Weissman</u> teaches "the item is an ad and wherein the performance threshold is an ad selection rate threshold value." (column 12 line 64 - column 13 line 65)

As per claim 14 and 35, <u>Weissman</u> teaches "the item is an ad and wherein the performance threshold is an ad conversion rate threshold value." (column 12 line 64 - column 13 line 65)

As per claim 17 and 38, <u>Weissman</u> teaches the method of claims 15 and 36 but do not explicitly disclose wherein the performance threshold decreases as the confidence measure increases. Weissman et al. teaches ranking the results and ordering based on relevance, wherein the score can be increased as the distance between the semantic terms decreases. (column 9 lines 18-31 and column 13 lines 10-34). The instant limitation of decreasing the performance threshold is seen as a design decision which is given little, if any, patentable weight. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method taught by Weissman to include the step of decreasing the score that is based on the relevance to the initial search term. The motivation for doing so would be to allow for the modification of the step to include a way for the semantic score to be decreased to return more relevant banner ads.

As per claim 19 and 40, <u>Weissman</u> teaches "the item is an ad and wherein the performance threshold is an ad selection rate threshold value." (column 12 line 64 - column 13 line 65)

As per claim 21 and 42, Weissman teaches "the item is an ad and wherein the performance threshold is an ad conversion rate threshold value." (column 12 line 64 - column 13 line 65)

Response to Arguments

6.   Applicant's amendment, see page 12, filed 9/8/2006, with respect to the objection of the Abstract have been fully considered and are persuasive. The objection to the Abstract has been withdrawn.

7.   Applicant's amendment, see page 12, filed 9/8/2006, with respect to the rejection of claims 1-42 under 35 USC 101 have been fully considered and are persuasive. The rejection of claims 1-42 under 35 USC 101 has been withdrawn.

8.   Applicant's arguments with respect to claims 1-42, filed 9/8/2006, with respect to the 35 USC 102 rejection have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McElfresh et al. (Us Patent 6,907,566 B1)

Hosea et al. (US Publication 2002/0059094 A1)

Dorosario et al. (US Publication 2003/0078928 A1)

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dangelino N. Gortayo whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dangelino N. Gortayo
Examiner

Tim T. Vo
SPE

TIM VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100